

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**DESTINED C.M.D. GEORGE,**

Plaintiff,

V.

**DR. P. MOORE, ET AL.,**

Defendants.

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Case No. 7:19CV00631

## OPINION AND ORDER

By: James P. Jones  
United States District Judge

*Destined C.M.D. George, Pro Se Plaintiff; Rosalie Pemberton Fessier and Brittany E. Shipley, TIMBERLAKE SMITH, Staunton, Virginia, for Defendants Moore and Hubbard.*

The plaintiff, Destined C.M.D. George, has filed a Motion to Alter or Amend the Judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. A judgment may be altered or amended under Rule 59(e) in only three circumstances: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998). Furthermore, Rule 59(e) provides an “extraordinary remedy which should be used sparingly.” *Id.* (internal quotation marks and citation omitted).

George’s motion simply makes no such showings. He points to no change in the law, any new evidence, or any error or resulting injustice. Rather, his motion merely states, “Plaintiff moves pursuant to Rule 59(e) Fed. R. Civ. P. for an order

altering or amending the Judgment entered on 9-30-20.” Mot., ECF No. 48. I find no cause to reach a different decision on the defendants’ summary judgment motion.

Accordingly, it is **ORDERED** that the motion, ECF No. 48, is DENIED.

ENTER: November 5, 2020

/s/ JAMES P. JONES

United States District Judge